

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNY, LLC  
d/b/a GENERAL SUPER PLATING**

**and**

**Case 03-CA-152609**

**LOCAL 81319, IUE-CWA**

**MOTION TO TRANSFER PROCEEDINGS TO BOARD AND  
FOR DEFAULT JUDGMENT AND ISSUANCE OF  
BOARD'S DECISION AND ORDER**

**PLEASE TAKE NOTICE** that, pursuant to Sections 102.24 and 102.50 of the National Labor Relations Board's Rules and Regulations and Statements of Procedure, Series 8, as amended (Board's Rules and Regulations), the undersigned Counsel for the General Counsel hereby moves that the National Labor Relations Board (Board): (1) transfer this case and continue the proceedings before the Board; (2) deem the allegations set forth in the Complaint and Notice of Hearing (Complaint) issued in the above-captioned matter on August 12, 2015, as admitted to be true without the taking of evidence supporting the allegations in the Complaint; and (3) issue a Decision and Order granting Default Judgment and ordering UNY, LLC, d/b/a General Super Plating (Respondent), to appropriately remedy the unfair labor practices found; and grant such other, further, and different relief as may be proper under the circumstances. In support of this motion, Counsel for the General Counsel shows and alleges that:

1. The original charge in Case 03-CA-152609 was filed by Local 81319, IUE-CWA, (Union), on May 20, 2015, and a copy was served on Respondent by U.S. mail on the same date. Copies of the charge and affidavit of service are attached as Exhibit 1.

2. On August 12, 2015, a Complaint and Notice of Hearing issued in this proceeding and copies were served by certified mail on Respondent on the same date. Copies of the Complaint and affidavit of service, with proof of certified mailing, are attached as Exhibit 2.

3. The Answer to the Complaint was due on August 26, 2015. Respondent failed to file an Answer.

4. By letter dated September 1, 2015, the undersigned Counsel for the General Counsel notified Respondent of its failure to file an Answer in this proceeding. The undersigned further advised that, unless Respondent filed a proper Answer by the close of business on September 15, 2015, the General Counsel of the NLRB would file a motion for default judgment with the Board. A copy of this letter is attached as Exhibit 3.<sup>1</sup>

5. Counsel for Respondent acknowledged receipt of this letter by email on September 2, 2015. A copy of this email is attached as Exhibit 4.

6. To date, Respondent has failed to file an Answer and has communicated to Counsel for the General Counsel that it does not intend to do so.

7. Respondent failed to file an Answer to the Complaint in accordance with Sections 102.20, 102.21 and 102.56 of the Board's Rules and Regulations, although it has been given every opportunity to do so. The required time for such adequate filing has now expired.

**WHEREFORE**, Counsel for the General Counsel respectfully requests that, in accordance with Sections 102.20 and 102.21 of the Board's Rules and Regulations, the Board deem all matters alleged in the Complaint to be admitted to be true, and be so found, and that forthwith, a Board Decision and Order be issued containing findings of fact, conclusions of law, and an appropriate remedial order for the violations alleged in the Complaint.

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<sup>1</sup> On September 18, 2015, the Acting Regional Director issued an order postponing hearing indefinitely as a related unfair labor practice charge was filed in Case 03-CA-160041. That case was withdrawn on December 16, 2015.

**DATED** at Buffalo, New York this 22nd day of December, 2015.

Respectfully submitted,

/s/ Alicia E. Pender

**ALICIA E. PENDER**

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